

Appln. No.: 10/674,163
Amendment Dated September 16, 2004
Reply to Office Action of April 1, 2004

EVG-176US1

Remarks/Arguments:**Preliminary Matters**

Newly added claims 32 - 57 are now pending. Originally filed claims 1 - 5, 8 - 29, and 31 - 34 (renumbered as claims 1 - 31 in the Office Action) have been canceled without prejudice or disclaimer of the subject matter thereof.

Applicants acknowledge that originally pending claims 1 - 5, 8 - 29, and 31 - 34 were identical to claims issued in U.S. Patent No. 6,627,082 to Del Vecchio et al., which issued to U.S. Application No. 09/939,085, filed August 24, 2001, the parent to the present application. The present Office Action was received before Applicants had an opportunity to submit a Preliminary Amendment including new claims for prosecution.

Accordingly, the Office Action addressed the same claims that already issued in U.S. Patent No. 6,627,082, and applied the same rejection to those claims as it had in the '085 application (a double patenting rejection based on U.S. Patent No. 6,331,251 in view of U.S. Patent No. 6,375,848). A Terminal Disclaimer was filed in the '085 application to overcome that rejection.

The Examiner is invited to review related U.S. Patent Nos. 6,331,251 and 6,627,082 in view of the newly added claims 32-57 now pending.

New Claims 32 - 57

New claim 32 is based in part on claim 1 of the originally filed application. Support for new claim 32 is found in the originally filed application at page 6, line 9 - page 7, line 8, for example. New claim 32 also recites a compartment positioned adjacent the wall of the vessel. Support for this feature is illustrated in Figs. 4, 6, and 8 of the originally filed application, for example.

New claim 33 recites that the compartment is positioned at least partially within the vessel. Support for this feature is found in the originally filed application in claim 4, for example.

New claim 34 recites that the compartment is positioned outside the vessel. Support for this feature is found in the originally filed application at page 23, lines 21 - 23, for example.

New claim 35 recites that the compartment is configured to receive substrate directly from the vessel. Support for this feature is found in the originally filed application in claim 17, for example.

New claim 36 recites that the compartment is configured to return a portion of received substrate directly to the vessel. Support for this feature is found in the originally filed application in claim 17, for example.

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New claim 37 recites that the filter comprises a membrane through which permeate is separated during operation of the system. Support for this feature is found in the originally filed application at page 10, lines 22 - 24, for example.

New claim 38 recites that the membrane comprises a plurality of hollow fibers. Support for this feature is found in the originally filed application at page 12, lines 11 - 13, for example.

New claim 39 recites the system comprising two or more compartments and a filter positioned at least partially within each of the compartments. Support for this feature is found in the originally filed application in claim 1, for example.

New claim 40 recites that at least two of the compartments are positioned adjacent one another. Support for this feature is found in the originally filed application in claim 14, for example.

New claim 41 recites that the system is configured for cleaning the filter in situ in at least one of the compartments while operating the filter in at least one other of the compartments. Support for this feature is found in the originally filed application in claim 1, for example.

New claim 42 is based in part on claim 18 of the originally filed application. Support for new claim 42 is found in the originally filed application at page 6, line 9 - page 7, line 8, for example. New claim 42 further recites providing a compartment adjacent the wall of the vessel. Support for this feature is illustrated in Figs. 4, 6, and 8 of the originally filed application, for example.

New claim 43 recites providing the compartment at least partially within the vessel. Support for this feature is found in the originally filed application in claim 34, for example.

New claim 44 recites providing the compartment outside the vessel. Support for this feature is found in the originally filed application at page 23, lines 21 - 23, for example.

New claim 45 recites introducing substrate from the vessel directly into the compartment. Support for this feature is found in the originally filed application in claim 18, for example.

New claim 46 recites returning a portion of received substrate from the compartment directly to the vessel. Support for this feature is found in the originally filed application in claim 18, for example.

New claim 47 recites providing two or more compartments each at least partially surrounding a filter. Support for this feature is found in the originally filed application in claims 17 and 18, for example. No new matter has been added.

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New claim 48 recites positioning at least two of the compartments adjacent one another. Support for this feature is found in the originally filed application in claim 14, for example.

New claim 49 recites cleaning a filter in situ in at least one of the compartments while operating a filter in at least one other of the compartments. Support for this feature is found in the originally filed application in claim 18, for example.

New claim 50 is based in part on claim 33 of the originally filed application. Claim 50 further recites positioning the at least one compartment adjacent a wall of the vessel.

New claim 51 recites positioning the compartment at least partially within the vessel. Support for this feature is found in the originally filed application in claim 34, for example.

New claim 52 recites positioning the compartment outside the vessel. Support for this feature is found in the originally filed application at page 23, lines 21 - 23, for example.

New claim 53 recites positioning the compartment to receive substrate directly from the vessel. Support for this feature is found in the originally filed application in claim 33, for example.

New claim 54 recites positioning the compartment to return a portion of received substrate directly to the vessel. Support for this feature is found in the originally filed application in claim 33, for example.

New claim 55 recites positioning at least two compartments adjacent one another. Support for this feature is found in the originally filed application in claim 14, for example.

New claim 56 recites positioning a filter at least partially within two or more compartments. Support for this feature is found in the originally filed application in claim 17, for example.

New claim 57 recites configuring the system for cleaning a filter in situ in at least one of the compartments while operating a filter in at least one other of the compartments. Support for this feature is found in the originally filed application in claim 18, for example.

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Conclusion

In view of the new claims set forth above, it is respectfully submitted that the rejections set forth in the Office Action are moot and can now be withdrawn, which action is respectfully requested.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (703 872-9306) on the date shown below.

September 20, 2004
Joshua L. Cohen